

STATE PERSONNEL BOARD CALENDAR



DECEMBER 2, 2003

SAN FRANCISCO, CALIFORNIA

State of California

Memorandum

DATE: November 21, 2003

TO: ALL INTERESTED PARTIES

FROM: STATE PERSONNEL BOARD -- Appeals Division

SUBJECT: Notice and Agenda for the December 2, 2003, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on December 2, 2003, at the Civic Center, 455 Golden Gate Avenue, Room 9, San Francisco, California, the State Personnel Board will hold its regularly scheduled meeting.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the December 2, 2003, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 22, Sacramento, CA 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

<http://www.spb.ca.gov/calendar.htm>

Notice and Agenda
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November 21, 2003

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.

CAROLE CHACKO
Secretariat's Office

Attachment

CALIFORNIA STATE PERSONNEL BOARD MEETING*
455 Golden Gate Avenue
San Francisco, California 94102
(415) 703-4100 FAX (415) 703-4604

Public Session Location - Room 9

Closed Session Location - Room 7

FULL BOARD MEETING AGENDA**

DECEMBER 2, 2003

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

9:00 - 9:30

1. ROLL CALL

2. REPORT OF THE EXECUTIVE OFFICER

Report of Walter Vaughn
Executive Officer
State Personnel Board

3. REPORT OF THE CHIEF COUNSEL

4. NEW BUSINESS

(Items may be raised by Board Members for
scheduling and discussion at future meet-
ings.)

* Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

** The Agenda for the Board can be obtained at the following Internet address: **<http://www.spb.ca.gov/calendar.htm>**

5. REPORT ON LEGISLATION

6. ELECTION OF BOARD OFFICERS

In accordance with Article VII, Section 2 (b), the five-member Personnel Board (Board) will elect one of its members as presiding officer, to serve as the President for the calendar year 2004. The Board will also elect a Vice President.

Additionally, in accordance with Government Code Section 20090 the Board will select one of its members to serve as their representative to the Public Employees' Retirement Board.

9:30 - 10:00

7. **ORAL ARGUMENT**

Oral argument in the matter of DAVID ADAMS, CASE NO. 02-3301. Appeal from dismissal. Department of Corrections.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

10:00 - 10:15

8. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code Sections 11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

10:15 - 10:45

9. **ORAL ARGUMENT**

Oral argument in the matter of CYNTHIA GEORGE, CASE NO'S 02-4017 & 03-1058. Appeal from a two-week and a three-week suspension. Unemployment Insurance Appeals Board.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

10:45

10. DELIBERATION ON ADVERSE ACTION, DISCRIMINATION COMPLAINT, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matter submitted at prior hearing, on proposed decisions, petitions for

rehearing, rejected decisions, remanded decisions, submitted decisions, and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]

11. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code Sections 11126 (e) (1), 18653.]

State Personnel Board (SPB) v. Department of
Personnel Administration (DPA)/International
Union of Operating Engineers (IUOE) et al.
(Sacramento County Superior Court Case
No. 01CS00109)

Association of California State Attorneys
and Administrative Law Judges v.
DPA/California Department of Forestry
Employees Association (AKA) CDF Firefighters
Court of Appeal, Third District No. C034943
(Sacramento County Superior Court
No. 99CS00260)

SPB v. DPA/Department of Forestry & Fire
Protection et al; CDF Firefighters
Court of Appeal Case No. C032633
(Sacramento County Superior Court Case
No. 98CS03314)

IUOE v. SPB/Public Employee Relations Board
(PERB)
Unfair Practice Case No. SA-CE-1295-S

Connerly v. SPB

SPB v. DPA/California State Employees
Association (Post and Promote)

12. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the Legislature. [Government Code Section 18653.]

13. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the
Governor. [Government Code Section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

On Adjournment:

14. DISCUSSION OF COMING BOARD MEETING SCHEDULE
OF DECEMBER 16, 2003 IN SACRAMENTO,
CALIFORNIA

BOARD ACTIONS

15. STATE PERSONNEL BOARD SUMMARY MINUTES OF
NOVEMBER 4, 2003. THE NOVEMBER 18, 2003
MEETING WAS CANCELED
16. ACTION ON SUBMITTED ITEMS
(See Agenda Page 25)
These items have been taken under submission
by the State Personnel Board at a prior
meeting and may be before the Board for a
vote at this meeting. This list does not
include evidentiary cases, as those cases
are listed separately by category on this
agenda under Evidentiary Cases.
17. EVIDENTIARY CASES
The Board Administrative Law Judges conduct
Evidentiary hearings in appeals that include,
but are not limited to, adverse
actions, medical terminations, demotions,
discrimination, reasonable accommodations,
and whistleblower complaints.
 - A. BOARD CASES SUBMITTED
These cases were submitted at a prior
meeting.

Appeal from constructive medical
termination
Fish and Game Warden
Department of Fish and Game

GAYLE MCCORMICK, CASE NO. 99-1549C
Appeal from demotion
Correctional Captain
Department of Corrections

HARRY MILLER, CASE NO. 02-0160
From demotion and reassignment from the
position of Correctional Sergeant with
the Transportation Unit at Sacramento to
the position of Correctional Officer
with Norco - California Rehabilitation
Center
Department of Corrections

LAWRENCE SCHAEFER, CASE NO. 02-0079
Appeal from 60-calendar days suspension
and reassignment from the position of
Correctional Officer with the
Transportation Unit, Department of
Corrections at Sacramento to the
position of Correctional Officer
Chino - State Prison
Department of Corrections

ADREIN SMITH, CASE NO. 02-0896
Appeal from non-punitive termination
Correctional Officer
Tehachapi - California Correctional
Institution
Department of Corrections

B. CASES PENDING

- Oral Arguments
These cases are on calendar to be
argued at this meeting or to be
considered by the Board in closed
session based on written arguments
submitted by the parties.

DAVID ADAMS, CASE NO. 02-3301

Appeal from dismissal
Correctional Officer
Jamestown - Sierra Conservation
Center
Department of Corrections

ELEANORE CHASSEY, CASE NO. 03-1173
Appeal from five days suspension
Administrative Law Judge I
Unemployment Insurance Appeals
Board

CYNTHIA GEORGE, CASE No's 02-4017 &
03-1058
Appeal from a two week and a
three week suspension
Administrative Law Judge
Unemployment Insurance Appeals
Board

- Other
These cases are on pending
preparation of transcripts, briefs,
or the setting of oral argument
before the Board.

DORYANNA ANDERSON-JOHNSON, CASE NO.
00-1687
Appeal from denial of reasonable
accommodation
Correctional Lieutenant
California Rehabilitation Center -
Norco
Department of Corrections

SAMUEL BRYANT, CASE NO. 00-4238
Appeal from dismissal
Youth Correctional Officer
Department of Youth Authority

RANDALL DODSON, Case No. 03-1587
Appeal from non-punitive
termination
Caltrans Equipment Operator I
Department of Transportation

FERNANDO V. GANDARA, JR., CASE NOS
99-3867 & 02-4037

Appeal from Order to Show Cause &
Discrimination/Retaliation
Business Services Assistant & Staff
Services Analyst
Department of Veterans Affairs

FRANK GARCIA, CASE NO. 03-1906
Appeal from Dismissal
Caltrans Highway
Maintenance Worker
Department of Transportation

THEODORE HUGHING, CASE NO. 03-0354
Appeal from Medical Termination
Food Service Supervisor I
Department of Developmental
Services

PAUL H. KEMP, Case No. 01-2841
Appeal from dismissal
Teacher Assistant - Youth
Correctional
Reception Center and Clinic -
Sacramento
Department of the Youth Authority

TIMOTHY SHINE, CASE NO. 01-3796
Appeal from eight work days
suspension
Building Services Engineer
San Marcos - California State
University
California State University

NANCY VALENTINO, Case No. 03-0699
Appeal from dismissal
Psychiatric Technician
Department of Developmental
Services

BOBBY WANG, CASE NO. 02-2684
Appeal from dismissal
Motor Vehicle Field Representative
Department of Motor Vehicles

C. CHIEF COUNSEL RESOLUTIONS

- Court Remands

These cases have been remanded to the Board by the court for further Board action.

NONE

- Stipulations
These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681, by the Chief Counsel's Office.

ALFRED MYAH, CASE NO. 03-0195
Appeal from four-step reduction in salary for twelve months
Senior Psychiatric Technician
San Jose Developmental Center
Department of Developmental Services

- Other
These cases are on pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

- Proposed Decisions
These are ALJ proposed decisions submitted to the Board for the first time.

JOHN BARTOLONE, CASE NO. 00-3166B
Appeal for back pay after reinstatement to the position of Investigator, DMV (Range A)
Department of Motor Vehicles

PHILLIP CAMPBELL, CASE NO. 02-1565
Appeal from official reprimand
Correctional Officer

California State Prison - Avenal
Department of Corrections

JAMES CARRILLO, CASE NO. 03-2549
Appeal from dismissal
Correctional Officer
California State Prison - Corcoran
Department of Corrections

CHIN CHOO, CASE NO. 03-1981
Chief Psychiatrist
Appeal from official reprimand
California State Prison - Corona
Department of Corrections

PHILIP CONNELLY, CASE NO. 03-0632
Appeal from dismissal
Fraud Investigator
Department of Health Services

SHAWN DONAHUE, CASE NO. 03-1613
Appeal from five-percent reduction
in salary for six months
Correctional Captain
California State Prison, San
Quentin,
Department of Corrections

BRYAN R. DWINELL, CASE NO. 03-1908
Appeal from dismissal
Caltrans Highway Maintenance Worker
Department of Transportation

CATHY FISH, CASE NO. 03-1167
Appeal from dismissal
Office Assistant
Department of Parks and Recreation

CYNTHIA GEORGE, CASE NO. 03-2494
Appeal from suspension
Administrative Law Judge I
Unemployment Insurance Appeals
Board

MERCY HALLIDAY, CASE NO. 03-2021
Appeal from dismissal

Psychiatric Technician Assistant
Department of Developmental
Services

MELBA B. LOUGHRIDGE, CASE
NO. 03-0545
Appeal from suspension for one week
Senior Legal Typist
Unemployment Insurance Appeal Board

YVETTE MACK, CASE 03-0453
Appeal from 20-work days suspension
Administrative Support
Coordinator I
California State University -
Dominguez Hills.

JAMES MCMILLIN, CASE NO. 02-3383
Appeal from formal letter of
reprimand
Correctional Officer
California State Prison - Blythe

TINA PARRINO, CASE NO. 02-4218
Appeal from five working days
suspension Commercial Vehicle
Inspection Specialist I
California Highway Patrol

WENDALL POLK, CASE NO. 03-1804
Limited-Term Psychiatric Technician
Assistant
Appeal from Rule 282 Separation for
Cause
Department of Mental Health

ALICE VAN-THU, CASE NO. 03-0413
Appeal from automatic resignation
Administrative Support
Coordinator I
California State University

GREGORY VELASCO, CASE NO. 02-4196
Appeal from five working days
suspension
Associate Caltrans Administrator
Department of Transportation
KEITH WATKINS, CASE NO. 03-2402

Appeal from five-work days
suspension
Custodian
California State University, Fresno

DONALD L. WILLIAMS, CASE
NO. 03-1424
From ten percent reduction in
salary
Youth Correctional Counselor, Chino
Department of the Youth Authority

JULIA WILLIAMS, CASE NO. 02-0743E
MARY SONNTAG, CASE NO. 02-0742E
Appeal from discrimination
Investigator I

AND

JANICE DIEBOLD, CASE NO. 02-0608E
Appeal from discrimination
Office Technician (Typing)
Department of Motor Vehicles

MARQUEL D. WILSON, CASE NO. 03-1874
Appeal from dismissal
Caltrans Landscape Maintenance
Worker
Department of Transportation

- Proposed Decisions Taken Under
Submission At Prior Meeting
These are ALJ proposed decisions
taken under submission at a prior
Board meeting, for lack of majority
vote or other reason.

NONE

- Proposed Decisions After Board
Remand

JERRY COUTEE, CASE NO. 03-0213R
Appeal from Dismissal
Caltrans Landscape Maintenance
Worker
Department of Transportation

MARY HUTTNER, CASE NO. 02-1690

Appeal from demotion
Staff Services Manager I to the
position of Associate Health
Program Advisor (top step)
Department of Health Services
FRANK OLIVAS, CASE NO. 02-3390
Appeal from demotion
Correctional Sergeant to
Correctional Officer
Blythe - State Prison
Department of Corrections

BEVERLY WILSON, CASE NO. 03-1150
Appeal from dismissal
Administrative Support Assistant II
California State University

- Proposed Decisions After SPB
Arbitration

NONE

E. PETITIONS FOR REHEARING

- On ALJ Proposed Decisions Adopted
By The Board
The Board will vote to grant or
deny a petition for rehearing filed
by one or both parties, regarding a
case already decided by the Board.

JOSE E. GONZALES, CASE NO.
03-0126P
Appeal from dismissal
Officer
California Highway Patrol
Petition for rehearing filed by
Appellant to be granted or denied

DONALD KUNKEL, CASE NO. 02-4471P
Appeal of Whistleblower Retaliation
Caltrans Equipment Operator I
Department of Transportation
Petition for rehearing filed by
Appellant to be granted or denied

LINO VICENTE, CASE NO. 02-1967

Appeal from dismissal
Staff Services Analyst
Department of Education
Petition for rehearing filed by
Appellant to be granted or denied

- On Whistleblower Notice of Findings
The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et. seq. And 2 California Code of Regulations, section 56 et. seq.

NONE

18. RESOLUTION EXTENDING TIME UNDER GOVERNMENT
CODE SECTION 18671.1 EXTENSION
(See Agenda Page 28)

19. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases would have been heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or would have been investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

RICHARD ALFARO, CASE NO. 03-0617
Classification: Cadet, CHP
California Highway Patrol

SHANE BALTIERRA, CASE NO. 03-0587
Classification: Correctional Officer
Department of Corrections

MARA CAPRON, CASE NO. 03-0227
Classification: Correctional Officer
Department of Corrections
MIGUEL CARRASCO, CASE NO. 03-0160

Classification: Correctional Officer
Department of Corrections

KRISTI CARTER, CASE NO. 02-3552
Classification: Medical Technical
Assistant, CF
Department of Corrections

EDWARD DACOSTA, CASE NO. 03-0168
Classification: Cadet, CHP
California Highway Patrol

VALERIE DINATALE, CASE NO. 03-0170
Classification: Accountant I
(Specialist)
Department of Health Services

JESUS FAJARDO, CASE NO. 03-0504
Classification: Correctional Officer
Department of Corrections

TERRILL GRANT, CASE NO. 02-3809
Classification: Correctional Officer
Department of Corrections

SHEREMOYA HILL, CASE NO. 03-0531
Classification: Correctional Officer
Department of Corrections

CLYDE HOLLARS JR., CASE NO. 03-0720
Classification: Correctional Officer
Department of Corrections

AKOURA KONG, CASE NO. 03-0338
Classification: Correctional Officer
Department of Corrections

DENNIS MARGATE, CASE NO. 03-0647
Classification: Correctional Officer
Department of Corrections

STEVEN MILLER, CASE NO. 03-0079
Classification: Correctional Officer
Department of Corrections

GABRIEL MONTOYA, CASE NO. 02-3387

Classification: Youth Correctional
Officer
California Youth Authority

MARIO NISHIKAWA, CASE NO. 03-0378
Classification: Correctional Officer
Department of Corrections

CHARLES PRICE II, CASE NO. 03-0176
Classification: Correctional Officer
Department of Corrections

RENE PUENTES, CASE NO. 03-0383
Classification: Correctional Officer
Department of Corrections

EMMET RAMIREZ, CASE NO. 03-0834
Classification: Correctional Officer
Department of Corrections

BRAD RAUCHMAN, CASE NO. 03-0787
Classification: Correctional Officer
Department of Corrections

KEVIN RICHARDSON, CASE NO. 03-0021
Classification: Correctional Officer
Department of Corrections

KIMBERLY SCHMIDT, CASE NO. 03-0022
Classification: Correctional Officer
Department of Corrections

DAWN SIMON, CASE NO. 03-0556
Classification: Medical Technical
Assistant, CF
Department of Corrections

KYLE SKEEN, CASE NO. 03-0821
Classification: Correctional Officer
Department of Corrections

RAYMOND SMITH, CASE NO. 03-0092
Classification: Correctional Officer
Department of Corrections

ANGELA STATT, CASE NO. 02-4417
Classification: Correctional Officer
Department of Corrections
REMON TADROUS, CASE NO. 03-0451

Classification: Cadet, CHP
California Highway Patrol

FELIPE TORRES, CASE NO. 03-0024
Classification: Correctional Officer
Department of Corrections

MARTIN TURRUBIATES, CASE NO. 03-0837
Classification: Correctional Officer
Department of Corrections

DAMIEN WONG, CASE NO. 03-0091
Classification: Correctional Officer
Department of Corrections

B. MEDICAL APPEALS

Cases would have been heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

RUEBEN MADRIGAL, CASE NO. 03-2769
Classification: Cadet, CHP
California Highway Patrol

C. EXAMINATION APPEALS - NONE

MINIMUM QUALIFICATIONS - NONE

MERIT ISSUE COMPLAINTS - NONE

Cases would have been heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or would have been investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

D. RULE 212 OUT-OF-CLASS APPEALS - NONE

VOIDED APPOINTMENT APPEALS - NONE

RULE 211 APPEALS - NONE

Cases would have been heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board. The Board will be presented recommendations

by a Staff Hearing Officer for final decision on each appeal.

E. REQUEST TO FILE CHARGES CASES - NONE
PETITIONS FOR REHEARING CASES

Cases would have been investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

(Petition for Rehearing)

DREW ARATANI, CASE NO. 02-3126
Classification: Parole Agent I,
Adult Parole
Department of Corrections

F. PSYCHOLOGICAL SCREENING CASES

Cases would have been reviewed by Appeals Division staff, but no hearing was held.

It is anticipated that the Board will act on these proposals without a hearing.

MICHAEL CAMPOS, CASE NO. 03-3034
Classification: Correctional Officer
Department of Corrections

GREGORY CRAYTON, CASE NO. 03-3057
Classification: Correctional Officer
Department of Corrections

SALVATORE DRAGO, CASE NO. 03-3030
Classification: Correctional Officer
Department of Corrections

20. NON-HEARING CALENDAR

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposi-

tion. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code Section 18500 et seq.) and Article VII, California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

NONE PRESENTED

21. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

Staff has approved the following:

A. PSYCHIATRIC TECHNICIAN

The Department of Personnel Administration is requesting to make revisions to Alternative Range Criteria 110 for the Psychiatric Technician training program.

22. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Personnel Resources and Innovation Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and it is approved by the State Personnel Board, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS
CURRENTLY UNDER CONSIDERATION

- (1) COORDINATOR FOR BORDER AFFAIRS
The State Water Resources Control Board (SWRCB) requests approval to establish a new Career Executive Assignment position to function as Coordinator for Border Affairs.

This function and the incumbent currently performing the above, are being transferred to the SWRCB from the California Environmental Agency in recognition of the complex and long term nature of water quality challenges in the California/Mexico border region.

(2) INVESTMENTS/PENSION FUNDS LIAISON OFFICER

The State Treasurer proposes to allocate the above position to the CEA category. This position will provide support and expertise to the State Treasurer in his/her position related to serving as a liaison between pension fund members, pensioners, the public and the press, and the deputy treasurer for the California Public Employee's Retirement System (CalPERS), the California State Teachers Retirement System (CalSTRS), and on State Treasurer's Office Investment issues. This person researches, proposes, develops, and assists in the implementation and communication of policy as it relates to the Treasurer and his position on the boards of CalPERS and CalSTRS, and assists the Treasurer and deputy treasurer in the development, coordination, and communication of sensitive and complicated policy and issues related to the pension fund's and investment operations.

(3) PUBLIC FINANCE LIAISON OFFICER

The State Treasurer proposes to allocate the above position to the CEA category. This position will provide support and expertise to the State Treasurer in his/her

position related to serving as a liaison between investors, financial institutions, credit-rating agencies, the public and the press, and the deputy treasurer for public finance. This person researches, proposes, develops, and assists in the implementation and communication of policy as it relates to the Treasurer in his role as the State's chief investment officer, and assists the Treasurer and deputy treasurer for public finance in the development, coordination, and communication of sensitive and complicated policy related to complex public finance issues, including general-obligation, lease revenue bonds, debt service, and the State's credit rating.

- (4) **BOARDS AND COMMISSIONS ADVISER**
The State Treasurer proposes to allocate the above position to the CEA category. This position will provide support and expertise to the State Treasurer in his/her position related to serving as an adviser to the numerous state boards and commissions on whose board the Treasurer serves as chairman, as their duties and activities relate to local communities, stakeholders, financial institutions, the public and the press. This person researches, proposes, develops, and assists in the implementation and communication of policy as it relates to the Treasurer in his role as the chair of the various boards and commissions, and assists the Treasurer and the various board and commission executive directors in the development, coordination and communication of sensitive and complicated policy.

(5) DIRECTOR, DATA MANAGEMENT DIVISION

The Department of Education proposes to allocate the above position to the CEA category. The Director, Data Management Division provides policy guidance to the Department on data related issues. The responsibilities of the Division Director are unique in that the Director is responsible for coordinating a Department-wide change process and implementing policies that will guide the Department in data management for years to come.

(6) EXECUTIVE MANAGER, COLORADO RIVER AFFAIRS

The Department of Water Resources proposes to allocate the above position to the CEA category. The Executive Manager, Colorado River Affairs, is responsible for Department implementation of the Colorado River Quantification Settlement Agreement and for Salton Sea restoration in accordance with implementing legislation enacted in 2003.

(7) CHIEF, PERSONNEL MANAGEMENT DIVISION

The California Highway Patrol proposes to allocate the above position to the CEA category. The Chief, Personnel Management Division has overall management responsibility for the California Highway Patrol's personnel functions and directs the administration of the planning, development, and management of the Department's personnel management program, as well as the formulation and implementation of statewide personnel policy.

B. EXECUTIVE OFFICER DECISIONS REGARDING
REQUESTS TO ESTABLISH NEW CEA POSITIONS

- (1) ASSISTANT SECRETARY, BORDER AFFAIRS
The State Water Resources Control Board has withdrawn their request to establish the above position to the CEA category effective November 8, 2003.
- (2) DEPUTY DIRECTOR, FINANCIAL ASSISTANCE, WATER RIGHTS AND ADMINISTRATION
The State Water Resources Control Board's request to establish the above position to the CEA category has been approved effective November 6, 2003.
- (3) ASSISTANT EXECUTIVE OFFICER, HEALTH BENEFITS
The California Public Employees Retirement System's request to establish the above position to the CEA category has been approved effective November 5, 2003.
- (4) DEPUTY ASSISTANT SECRETARY OF PROPOSITION 50, STATEWIDE BOND IMPLEMENTATION
The California Department of Forestry and Fire Protection's request on behalf of the Resources Agency to establish the above position to the CEA category has been approved effective November 6, 2003.
- (5) CHIEF, INVESTIGATION DIVISION
The Department of Insurance's request to establish the above position to the CEA category has been approved effective November 6, 2003.
- (6) SPECIAL ASSISTANT, BOND FINANCING, DIVISION OF FINANCIAL ASSISTANCE
The State Water Resources Control Board's request to establish the above position to the CEA category

has been approved effective
November 10, 2003.

23. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE PRESENTED

24. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

A D J O U R N M E N T

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERLY), ETC. Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).
2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES).
Departments of Mental Health and Developmental Services.
(Hearing held December 3, 2002).
3. ANSWERS OR APPEALS FILED WITH STATE PERSONNEL BOARD
State Personnel Board (SPB) staff is proposing to adopt new Rule 63 to require, in part, that answers or appeals filed with SPB, requesting that a hearing or investigation be conducted by SPB, notify the responding party of all planned affirmative defenses and requests for relief.
(Hearing held February 3, 2003).
4. TELEVISION SPECIALIST (SAFETY)
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added.
(Presented to Board March 4, 2003).
5. PSC NO. 03-04
Appeal of the California Department of Education and McGeorge School of Law from the Executive Officer's April 30, 2003, disapproval of a contract for special education mediation conferences and due process hearings.
(Hearing held October 7, 2003).
6. PSC NO. 03-06, 03-07 AND 03-08
Appeal of the State Compensation Insurance Fund from the Executive Officer's June 13, 2003 disapproval of contracts for payroll auditing, clerical and adjusting services in response to the review request filed by the California State Employees Association. (Hearing held November 4, 2003).

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

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CALIFORNIA STATE PERSONNEL BOARD

GRAY DAVIS, Governor

801 Capitol Mall • Sacramento, California 95814 • www.spb.ca.gov



(Cal. 12/2/03)


TO: Members
 State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

There is no written legislative report at this time. I will give a verbal presentation on any legislative action that has taken place that will be of interest to the Board.

Please contact me directly should you have any questions or comments regarding any bills that you may have an interest in. I can be reached at (916) 653-0453.


Sherry Hicks
Director of Legislation

STATE PERSONNEL BOARD

NON-HEARING CALENDAR

RE: BOARD CALENDAR DECEMBER 2, 2003

(Cal. 12/2/03)

MEMO TO: STATE PERSONNEL BOARD

FROM: KAREN COFFEE, Chief, Merit Employment and
Technical Resources Division

SUBJECT: Staff Calendar Items for Board Information
Staff has approved the following:

The staff has evaluated and recommends the following action
be taken:

PAGE

A. PSYCHIATRIC TECHNICIAN

501

The Department of Personnel Administration
is requesting to make revisions to Alternative
Range Criteria 110 for the Psychiatric
Technician training program.

MEMORANDUM

TO: JENNIFER ROCHE, Analyst
State Personnel Board

DATE: July 21, 2003

FROM: SARA HULL, Staff Personnel Program Analyst
Department of Personnel Administration

REVIEWED BY: JOSIE FERNANDEZ, Program Manager
Department of Personnel Administration

SUBJECT: Staff Calendar Item – Alternate Range Criteria 110

SUMMARY OF ISSUES: The Department of Personnel Administration is requesting to make revisions to Alternate Range Criteria 110.

BACKGROUND: The Department of Personnel Administration and the California Association of Psychiatric Technicians agreed to establish a Joint Apprenticeship Program (JAP) for the purpose of training Psychiatric Technicians (PT) to work in State facilities. Since the Joint Apprenticeship Program has been in place for the past year, the process for training PT Apprentices has undergone refinement to the process for training the apprentices.

During this period, the Joint Apprenticeship Committee set up the program outlining how and when movement through the salary ranges will occur as an apprentice receives training. It was during this time that the committee discovered that as the Alternate Range Criteria is currently worded, apprentices could/would progress through the ranges within the alternate range criteria and conceivably end up moving through the ranges at a loss in compensation. Therefore, the committee has developed revised language to address and correct the process for apprentices moving through the alternate ranges.

In addition, it was agreed that the apprentice finishing the JAP will be trained at the journey level. Therefore, the journey level apprentice will be ready for movement to the Licensed Psychiatric Technician class rather than require additional time be spent in a non-licensed class such as the Pre-Licensed Psychiatric Technician.

RECOMMENDED CHANGE: Revise the language in the alternate range criteria to appropriately describe how movement through the ranges will occur. Also the new journey level apprentices will now be ready for appointment to the licensed PT class.

JUSTIFICATION: The revision is result of the contractual agreement between the State of California and CAPT to establish a Joint Apprenticeship Program for the purpose of training, licensing and hiring Psychiatric Technicians into State service.

CAPT does not oppose the revision. The Union contact person is Ken Murch and can be reached at (916) 329-9140, if there are any questions.

APPROVAL

(Below To Be Completed by SPB Staff)

SPB Staff Signature: *Kaum Geller*
Title: *Chief, Merit Employment & Technical Resources*
Effective Date: *10/31/03*
(SPB Staff: Send Original Approved Staff Item to DPA Pay Letter Coordinator, Susan Salata.)

ALTERNATE RANGE CRITERIA 110

Established 12/3/78

Revised 2/15/02

In accordance with DPA Rule 599.656 salary movement shall be as follows:

When an employee enters State service in an apprentice class as part of the Psychiatric Technician Apprenticeship training program, he/she shall be appointed to the appropriate step in the range for which he/she qualifies. The employee shall be moved to the ~~minimum~~ appropriate step of the next-higher range as of the date following completion and upon notification ~~submission of proof~~ that the requirements of the particular criteria have been met.

Range A. This range shall apply to incumbents who do not meet the criteria for Alternate Ranges B through E.

Range B. Enrollment in a formal Psychiatric Technician training program under the auspices of the Psychiatric Technician Apprenticeship training program.

Ranges C through E. Upon notification from the Joint Apprenticeship Committee and Evidence of successful completion of the specific months of the prescribed academic and practical work (at Range B or higher) of the apprenticeship program as defined in the appropriate apprenticeship program standards agreement between a State facility and the Division of Apprenticeship Standards. They are as follows: for the Psychiatric Technician Apprentice, the apprentice will move to the appropriate step of the next-higher salary range as defined by the standards and stated on the notification at approximately the following rate.

Range C – When CNA certificate is obtained

Range D – 800 hours in Range C

Range E – Upon completion of the academic program

~~Range C – 6 months~~

~~Range D – 12 months~~

~~Range E – 18 months~~

An employee who accepts a position as a Psychiatric Technician Apprentice with a State facility shall be allocated to the appropriate range in terms of the above criteria and upon successful completion of the apprenticeship program and appointment to the class of ~~Pre-Licensed~~ Psychiatric Technician or Psychiatric Technician (Safety) shall receive the first step of the salary range for the class of ~~Pre-Licensed~~ Psychiatric Technician or Psychiatric Technician (Safety).